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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,193	10/31/2003	Davis-Dang Hoang Nhan	KCC 4984 (K-C 18,956)	3474
321	7590	04/20/2007	EXAMINER	
SENNIGER POWERS ONE METROPOLITAN SQUARE 16TH FLOOR ST LOUIS, MO 63102			HAND, MELANIE JO	
			ART UNIT	PAPER NUMBER
			3761	
SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE		DELIVERY MODE	
3 MONTHS	04/20/2007		ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/20/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

[uspatents@senniger.com](mailto:uspatents@senniger.com)

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/699,193	NHAN ET AL.
	Examiner Melanie J. Hand	Art Unit 3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 January 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 15, 16 and 22-29 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-14, 17-21 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08):  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

Applicant's arguments filed January 29, 2007 have been fully considered but they are not persuasive.

With respect to applicant's arguments regarding the rejection of claim 1: Hasse teaches thermoplastic films for the backsheet 26 such as polyethylene or polypropylene in Col. 20, lines 55-60, both of which are known to be thermoplastic elastomeric materials, thus they are clearly stretchable. As to applicant's arguments that Hasse does not teach a layer of superabsorbent particles applied and held to an adhesive composition, Examiner disagrees. The layer taught by Hasse contains superabsorbent particulate which is placed upon the adhesive composition (i.e. applied to said composition) and is thus held by the adhesive in a manner that secures the composite to the substrate. There is no material structural difference between the layer taught by Hasse and the claimed layer. Any layer containing particulate that is positioned adjacent a layer of adhesive on substrate, wherein securement to that substrate is required, will result in the superabsorbent layer, whether airfelt or otherwise, being held by said adhesive because the denser particulate materials upon placement on the adhesive will adhere to said adhesive. The limitation of "a layer of particulate superabsorbent" is interpreted as containing at least said superabsorbent particulate material due to the open-ended "comprising" claim language.

Applicants' arguments with regard to dependent claims 2-14 and 17-22 have been fully considered but are not persuasive as Applicants' arguments depend entirely on Applicants' arguments regarding the rejection of claim 1, which have been addressed *supra*.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 17-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Hasse et al (U.S. Patent No. 5,496,429).

With respect to **Claim 1**: Hasse teaches an absorbent article 20 comprising: a stretchable substrate 26 and an absorbent composite 28 comprising a layer of adhesive composition in contact with the stretchable substrate 26 and a layer of particulate superabsorbent material applied to and held by the adhesive composition, the absorbent composite 28 being secured to the substrate 26 by the adhesive composition. (Col. 20, lines 20-25)

With respect to **Claim 2**: Stretchable substrate 26 is a first stretchable substrate. Article 20 taught by Hasse further comprises a second stretchable substrate 24 in generally superposed relationship with the first stretchable substrate 26 whereby the absorbent composite 28 is disposed between said first and second stretchable substrates 26,24, respectively. (Col. 20, lines 63-65, Col. 21, lines 9-14)

With respect to **Claim 3**: The layer of adhesive composition taught by Hasse is a first layer of adhesive composition, the absorbent article 20 further comprising a second layer of adhesive composition applied to the layer of particulate superabsorbent material defining composite 28. (Col. 21, lines 9-14)

With respect to **Claim 4:** The stretchable substrate 26 is a first stretchable substrate, the absorbent article 20 further comprising a second stretchable substrate 24 in generally superposed relationship with the first stretchable substrate 26 and secured to the second layer of adhesive composition to thereby secure the absorbent composite 28 to said second stretchable substrate 24. (Col. 21, lines 9-14)

With respect to **Claim 17:** Absorbent composite 28 further comprises hydrophilic fibers. (Col. 19, lines 17-32)

With respect to **Claim 18:** Absorbent composite 28 has a width and a length (Fig. 2), said absorbent composite 28 having a non-uniform basis weight across at least a portion of at least one of the width and the length of said absorbent composite 28. (Col. 19, lines 29-32)

With respect to **Claim 19:** Stretchable substrate 26 is elastic. (Col. 20, lines 48-53)

With respect to **Claim 20:** Stretchable substrate 26 defines an outer cover of the absorbent article 20, the absorbent article 20 further comprising a liquid permeable liner 24 in generally superposed relationship with the outer cover and adapted for contiguous relationship with the wearer's skin, the absorbent composite 28 being disposed between the liner 24 and the outer cover. (Col. 20, lines 63-65, Col. 21, lines 9-14)

With respect to **Claim 21:** The layer of adhesive composition taught by Hasse is a first layer of adhesive composition and the layer of particulate superabsorbent material is a first layer of

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particulate superabsorbent material, the absorbent article 20 further comprising a second layer of adhesive composition applied to the first layer of particulate superabsorbent material (on its topsheet-facing side), a second layer of particulate superabsorbent material included as part of the absorbent composite 28 being applied to and held by the second layer of adhesive composition. (Col. 20, lines 20-25, Col. 21, lines 9-14)

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 5-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hasse et al ('429) in view of Jiang et al ('614).

With respect to Claim 5: Hasse does not explicitly teach that the adhesive composition comprises a hot-melt adhesive. An absorbent article as set forth in claim 1 wherein the adhesive composition comprises a hot-melt adhesive. Jiang teaches an adhesive composition that is a hot melt adhesive. Jiang teaches that said hot-melt composition has a long opening time at processing temperature and faster set time at lower temperatures ('614, ¶ 0107) therefore it would be obvious to one of ordinary skill in the art to modify the article of Hasse by substituting said adhesive composition with a hot melt adhesive composition as taught by Jiang such that the adhesive sets quickly at room temperature.

With respect to Claims 6-10: Jiang teaches that the adhesive composition has a viscosity less than 8,000 mPa-s (8,000 cP) at 190 degrees Celsius, therefore the viscosity will also be less than 10,000 cP at 204 (claim 6), 149 (claim 7) and 121 degrees Celsius (claim 8). Thus the

adhesive composition will also have a viscosity at 149 degrees Celsius that falls within the range set forth in claim 9. With respect to claim 10, Jiang teaches that the viscosity could be less than 6,000 mPa-s (cP) at 190 degrees Celsius, which would also be less than 6,000 cP at 149 degrees Celsius and therefore falls within the range set forth in claim 10

With respect to **Claims 11-14**: Jiang teaches that the adhesive composition has a storage modulus of 0.001-1 Mpa ( $10^5$  –  $10^7$  dynes/cm<sup>2</sup>) at 25 degrees Celsius.

*Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie J. Hand whose telephone number is 571-272-6464. The examiner can normally be reached on Mon-Thurs 8:00-5:30, alternate Fridays 8:00-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Melanie J Hand  
Examiner  
Art Unit 3761

April 11, 2007



TOM BARRETT  
PRIMARY EXAMINER  
TECHNOLOGY CENTER 3700